

FILED  
NOV 29 2016  
BANKRUPTCY COURT  
OAKLAND, CALIFORNIA

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

In re  
REFUGIO FLOTTE

Debtor.

Case No. 16-41503

Chapter 13

**FINAL REPORT OF MORTGAGE  
MODIFICATION MEDIATION PROGRAM  
MEDIATOR**

Phillip Neiman, the Court-appointed Mortgage Modification Mediation Program (the "MMM Program") mediator (the "Mediator") in the above-captioned case, hereby reports as follows:

x 1. On October 7, 2016, the final MMM Conference was conducted and the parties:

- x Reached a trial loan modification agreement.  
Reached a final loan modification agreement.  
Failed to reach an agreement.  
x Other (specify): The parties through counsel waived the second and final MMM Conference because an agreement to modify was reached.

The following persons were in attendance at the MMM Conference:

|          |                          |                                              |
|----------|--------------------------|----------------------------------------------|
| <u>x</u> | Debtor:                  | <u>Refugio Flotte</u>                        |
| <u>x</u> | Debtor's Attorney:       | <u>Nathan Borris, Esq.</u>                   |
| —        | Co-Debtor / Co-Borrower: |                                              |
| —        | Debtor's Attorney:       |                                              |
| <u>x</u> | Lender's Representative: | <u>Michael Hurt (Wells Fargo Home Mortg)</u> |
| <u>x</u> | Other:                   | <u>Mark Estle, Esq. (counsel for Lender)</u> |

x 2. The final MMM Conference was scheduled for November 3, 2016, but the conference was not conducted for the following reason(s) (select all that apply):

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- ☒ The parties settled prior to the conference.
- ☐ The above-captioned case was dismissed.
- ☐ The Debtor failed to attend.
- ☐ The Debtor's attorney failed to attend.
- ☐ The Lender's representative failed to attend.
- ☐ The Lender's attorney failed to attend.
- ☐ Other: \_\_\_\_\_

3. The Debtor's attorney fully performed all services required by the Mortgage Modification Program Procedures and participated in all MMM Conferences, and the failure of the parties to reach an agreement in this matter was no fault of the Debtor's attorney.

☒ 4. The Mediator further reports:  
Wells Fargo Home Mortgage ("Lender") offered Refugio Flotte ("Debtor") a trial loan modification on November 7, 2016, which Debtor accepted on or around November 16, 2016. As of the date hereof, it was the Mediator's understanding that because the parties reached an agreement, Debtor's attorney intended to dismiss the Chapter 13 proceeding, pending verification from Lender that doing so would not affect the trial modification or an eventual permanent modification of the loan. The Mediator further reports that Lender's counsel, Mr. Estle, and Debtor's counsel, Mr. Borris, timely performed all services required of them under the Mortgage Modification Mediation Program (MMMP) Procedures and that both attorneys, together with their respective clients, were responsive to one another's requests and collaborated throughout the MMMP process, resulting in a successful resolution.

Dated: November 19, 2016

Respectfully submitted,  
By: 